(12)

(2)

Proceedings of the Government of His Highness the Maharaja of Mysore (Revenue),—dated 11th December 1894.

READ :—

The following letter from the Deputy Commissioner of Bangalore, dated 11th July 1894, No. 53 :—

Paragraph 8 of Section 36 of the Land Revenue Rules is quoted below for ready reference :—

"When the sale proceeds of a holding which has been forfeited for default in payment of the land revenue due thereupon are not sufficient to meet the arrear, the balance due shall ordinarily be remitted without having recourse to further compulsory process against the defaulter. If the Deputy Commissioner considers there is good reason for proceeding against the other property of the defaulter, he may do so, after recording his reasons for the same."

Arrear to be remitted when a forfeited holding is not sold, but the debt may still be recovered in special cases.

2. I can only consider the following cases as affording a good reason for proceeding against the other property of the defaulter :—

i. When the land has been cultivated by or for the defaulter and has yielded a crop.

ii. When it is proved that the defaulter left the land waste without resigning to prevent others occupying it.

3. Every other case, I would take to be entitled to the remission of the balance.

4. I have the honor to request you to obtain the orders of the Government as to whether I am right. I should not have troubled the Government with this reference ; but as the Government has to sanction remissions, I have thought it right to obtain the orders of the Government on the general principle in order to save correspondence in regard to each individual case, which is inevitable in the event of a difference of understanding between me and the Government.

No. 9618-25—R. 1441, DATED, BANGALORE, 11TH DECEMBER 1894.

ORDER THEREON.—No hard and fast rule can be laid down. Each case must be dealt with on its merits. The principle upon which para 8 of Rule 36 is based, is that if the lands contained in the holding sold are considered by the people to be not worth one year's assessment, they must indeed be of a very poor quality and it is hard to press the defaulter to pay their assessment from his other property ; but if there are circumstances to show that the lands are not so poor as the rule presumes them to be, or that the defaulter did reap, or could have reaped, sufficient produce from them and yet failed to pay their assessment, or that the non-realization of the arrear in the sale is due to causes not connected with the poverty of the soil, the Deputy Commissioner may refuse to recommend the remission of the arrear.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Bangalore District, with reference to the letter quoted above.
The Deputy Commissioners of other Districts for information and guidance.

Exd.—K.S.

2

1894

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 11*th December* 1894

No. 9618-25 / R. 1441

Explaining the principle upon which para 8 of Land Revenue Rule XXXVI in regard to the remission of balance of Land Revenue due on account of forfeited holdings sold for arrears is based.

M.G.C.P.,B.—17-12-94—120.

1894-95
(K.R.)

File No. 131 of 94
Serial No 1-11

Sub:- Appa of Pradeep Gundappa.
of Doddaballapura, regarding
Certain lands at Virabhadra-
Patya

48

In proof of his allegation he says that he deposited Rs 2½ with the Taluk authorities for the expenses of 'phoding'

3. The above point is important since one of the questions at issue is whether pet² is liable for assessment of the whole no or only a certain portion for 3 years from 82-83 & 85-86

4. As a matter of fact the records connected with the dark hard- ~~case~~ and 'phoding' are missing. From the records, it however appears that the phod was effected in 1885-86 and assessm reduced as shown in marg. the Kharab becoming fool waste

1 Asst Comm²'s memo dt 20/7/94 (No 4 dtd in R 34 records)

		a.	g.
Survey No 49.	Cultivable	7.	8
	Non-cult²	5-	19
		Rs.	as.
Assessment for	Cultivable.	10.	10
	Kharab.	7.	7.

over

5. The opinion of the
Spl Govt asst Commr and
Dy Commr as to whether
pet[r] is liable for assess-
ment of the whole survey no
or only the cultivable
portion for 3 years
from 82-83 to 85-86
are to be found in
their orders of 20/7/94
& 7/9/94 respectively } nos 48 + 46 in Record.

But it may be noted here
that the Dy Commr is of opinion that pet[r]
liable for the assessment
of the whole No

6. The next stage in the
case is when the pet[r]
resigned the survey no on the 30th April 1885.
in favour of Dasappah,
the pet[r]'s brother
But it was not accepted
till 1887-88. As only then
pet[r]'s attestation was
obtained to the Nadumani.

P. L. 107 of 94

G. R. S. IX-5]

Previous references.

1894-95

192

(L. R.)

File No. 131 of 94

Serial Nos. 1—11

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—11

Report ~~Part B~~ for July 1903.

SUBJECT.

Appeal of Pleader Gandapha of Kodaballapur regarding C. O. 47 of certain lands in Vira Chadrapalya.

WD 2223—GPB—20,000—14-6-20

Index

1

43 (3)

CC

Office Note

AS No 83 of 94-95.

Petitioner – Pleader Gundappa

Respondent – Chik Byranna

[Distt – Bagalkot
taluk – Badami
Hobli – Kerakalamatti
Village – Kundalsirasangi]

Pet[r] applies u/s 2(2) of the order of the Dy Comm[r], Bagalkot Dt, authorizing treadmission of coercive measures for the realisation of Rs 42½, due by petitioner on Survey No 49 in the village of Kundalsirasangi (Kodadalsirasangi taluk) and since paid by him under protest by 2nd the Conformation of

Court Peshkar
Order Sheet 23/5
Issued 25th June
Notice & copy
Rec 28/5 – Notice prepared 30/5

9

9. The entire balance of Rs 8 B- 7- 3 due by pet^{r} not ~~leaving~~ being realised, by the Sale, the cumbdar, Dodballapur taluk proceeded to realise the outstanding balance of Rs 5-8-15-3 by sending a yad to the above effect to the ambdar of Bangalore where pet^{r} was said to be living at the time. It is evident from the records that though pet^{r} was served with a notice by the City Kotwal, pet^{r}, who now seems to be so much concerned about the irregularity of 2nd Sale, replied that his liability ceased with the Sale of the land and that he was not liable for the balance remaining after the Sale of the land.

The Kotwal's report is dated 4/1/1891

10. From this date - 4/1/91 -
& 24/2/93. a lengthy correspondence
took place between the
Dobballapur & Bangalore
Amildars, about this subject.
Though pet[r] was served by the City Kotwal of Bangalore
with notices of demand
many times during this
period and even threatened
with attachment of his
property, he invariably
put them off with excuses.
like the following
1° That he would go to
Dodballapur Amildar
& settle his case
there
2° That he would represent
his case to Jamabandi
Sheristadar
3° That he would represent
his case to the Dt. Commr

2° Sale of the aforesaid S. No 69 for recovery of arrears due on the holding, the land over which the sale being the respondent.

Date of Sale 14/4/1890

Facts of the Case

Pet[r] had obtained in 1880 for dry land S. No 49 in the village of Hirahadagalli, Karha Hobli Badami taluka. The same was brought to pet[r]'s khata from the year 1882-83.

	acres	gunthas
Assessment —	12.	27.
Assessment — Land Revenue	15.	00
Localities	1.	1
Total	18-	1.

2. It is alleged by pet[r] that, alongwith his dar khast-application he applied for 'fallowing' the No into cultivable and non-cultivable and wished to take only the cultivable portion for cultivation

7. The Patamahi was not however given effect to even in 1887-88, probably because there were heavy arrears due by pet[t] on the holding and his name was retained in the khata till the year 1889-90, the year of sale of the Survey No. for revenue arrears

8. The revenue arrears due by pet[t] on the holding amounted in 1889-90 to Rs. 86 - 7½ - 3, Pie. as shown in the margin In that year the land was finally sold for Rs 27½ to Chik Byramma the respondent. There were two sales as the first sale fetched only Rs 26½ the amount for which the sale

Demand for 3 years from 82-83 to 85-86 i.e. years (shown at Rs 18-1-11	Rs. a. p. 54 - 3 - 3x	
Demand for 5 years from 83-86	5 - 3 - 2 - 11	
Total Demand	107 - 5 - 3	
Collection till 1889-90	20 - 14 - 0	
Balance — Rs. 86 - 7 - 3		

x. 3 pies may be Patia fee

~~2 The~~ on the ground that the price realised was small. In the sale, the price realised was Rs 27½. The pet[2] seems to have been unaware of the sale as its notice was actually served on the pet[2] though the Salem authorities made strenuous efforts to do so the failure in this — as well as the delay in getting pet[2]'s attestation of the Vazinamah — seems to have been due to his Continuous moving about, in a trample, the places being Selamapalya (where he was practising) — Bangalore (where his wife lives) — & Gelahanka (where he owned property) Particulars about dates of Sale & references to record are given in the margin

attachment petn (nos 15 & 16) & 10.5.89

Notice of 1st Sale — 21.1.90 (no 17)

Notice to petitioner (no 13/15)

Date of 1st Sale - 4/4/90 (no 18)

Cancellation of 1st Sale & direction to hold 2nd Sale } no 26/4.

Notice of 2nd Sale (no 19) & 10/4/90.

Date of 2nd Sale. 14/4/90 (no. 20)

Sanction Taluk Subml & Dr Comm[r] } no 21 & 25/1/90.

11 11 At last date 24/2/93, pet.r represented his case to the Dodballapur amildar the amildar thereon sent a report of his case to the Dy Commr on 18/4/93 the 1st Cent Asst Commr thereon passed an order that pet.r's movables & immovables should be attached for the realisation of the balance (Rs 5-8-15-3)? The order was carried out by the Bangalore amildar who reported on 4/3/94 that pet.r had paid Rs 16-7-3 towards liquidation of the arrears, thus leaving a further balance of Rs 12. On 17/7/94, pet.r addressed a pet.n to 1st Cent Asst Commr & the effect that that he should be remitted the balance

of Rs 42½ on the grounds &c

1° That he was exempted assessed for the whole No for 3 years (from 82-83 to 84-85 both inclusive)

Remission due to contention to sound as Rs 57- per annum. } Rs - as - p
22. 5- 0

2° That he resigned in 1883 though the attestation was obtained only in 1887. and that he was therefore entitled not liable for two years from 88-89 to 89-90

Remission due to this contention sound. Rs 38-10 per annum. } Rs. as p
20- 4- 0

the 1st Genl asst Commr Considered these contentions to be sound and recommended the remission of Rs 42½ but the Dy Commr on the ground recorded in his order of 7/9/94 refused to sanction the remission

(No 46 in the records)

13. The petr next filed a petn to the Dy Commr on 23/10/94

asking for the remission of the balance and interest the validity of the sale of S No 49 (Conducted so far as has 14/4/90) on the ground that

1° That he was not served with a notice of sale

2° That the 2nd sale was irregularly conducted as the interval between the notice of sale & the sale was not more than five days

(No 49 Tandoorenee Mazoon)

The Dt Commr rejected the petn on the ground that the contention of the above effect was not sound & ordered the Bazaree amlolars to adopt coercive measures.

The petr therein paid the balance of Rs 42 1/2 under protest which was reported to the Govt Asst Commr on 20/11/90

14. The pet^{r} prays inter alia
the refund of Rs 58-15-3
w^{h} he has paid since
the sale of the land and
also the restoration of
the land S. No 49/
He bases his claim
on the Sixth Clause
of Sec 8 of Sec
XXXVI of the Land Revenue
Rules.
Under the rule, it is
clear that pet^{r} cannot
have both remission
of arrears and restoration
of the holding at the
same time.

N.B. Pet^{r} is confounding
Khata No with survey No
in his pet^{n} & prays
that he calls S. No 80
is evidently Khata No 80.
The survey No being 49.

A.G.O explaining the Clause
is found in monthly Proceedings
for Dec 1894 Page 1
(R. 1441)

Govt Appeal & Pet^{n} Papers be called
for former orders thereon -
- Issue of Appeal -
are opposed. Also see Rs 3/5 8-12-94 No 4615-25
R. 1441
Subm^{d} for orders.
M.R.S

M.R.T.
15/5

15

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 83 of 94-95

Appellant. Vs. Respondent.

Mandi Gundappa
represented by
Mr L. Ramaswamiengar

Chikka Bairamma
represented by
Mr Gopalaswamy

~~29-6-95~~
Subject
~~Decision~~
Appeal against the order of the Dy. Comr. Bangalore Dt. confirming the sale of S. No. 47 of Viraktamanahalya, Doddaballapur Dt.

Date of hearing 29-4-03.
Notice issued on 17-3-03.
Served on the respdt. on 22-3-03.
" " applt. on 30-3-03.

Adj: to 28-5-03.
Notices issued on 18-4-03.
Served on the applt. & respdt. on 10-5-03. 1-5-03.

Rec'd 27.5.1903

Appellant Mandi Gundappa represented by Mr L. Ramaswamiengar
Respdt. Chikka Bairamma. Represented by Mr Gopalaswamy

Appellant has not pressed his claim for the cancellation of sale effected in dispute per decree but made his claim in regard to the ~~remaining~~ other portion of the land in which ~~respdt~~ applicant has not in his occupation

Ich bin Ihnen
sehr dankbar, wenn Sie
mir gefälligst mitteilen wollen
ob Sie mir die Wohnung
Lübeckerstr. 5 für
die Zeit vom 1. Juni
bis 1. Oktober vermieten
können. Ich bin
Beamter und
zahle
monatlich
Mark 40.- pro
Monat, also
für 4 Monate
Mark 160.-
Ich bitte
um gefällige
Antwort
mit
Hochachtung

29. Mai 1908

Gr. Freienwalde

Pet. Branch
13/3/95

Gen. Serial No. 31.]

1894. 5-11 816.

Pet 495

From

The Dy: Commissioner
Bangalore District

To

The Secretary to the
Govt. ~~Dewan~~ of Mysore.

Dated 11th March 1895

Despatched

Received

Enclosures—No. 1 file

General No.

No. 1088

His memo: No. Dated
No. 1022
dated 16th December
1894, forwarding a peti-
tion from Gundappa
1st Grade Pleader, Bangalore,
praying for the cancella-
tion of the sale of his
land in Virabhadrapalya,
Doddballapur Taluk.

In returning the enclosure
of the above, has the honor
to submit, as called for,
the entire Proceedings
connected with the case.

for Dy Commissioner

(9)

Gen. Serial No. 32.]

189

No. 1605

Name of Petitioner. Gundappa
Hatgatapalli

Village.

Taluk. Bangalore

District.

Date of Arzi.

Date of Receipt. 7-12-14

Date of Disposal.

No. of Enclosures.

2 Rs stamp issued.

ABSTRACT.

Represents that Revenue Inspector in the Doddaballapur Taluq has imposed, said grapes, Revenue and prays that the Deputy Commr's order may be cancelled and the amount illegally recovered from him may be ordered to be repaid to the petitioner

The grounds of appeal are as follows:

Deputy Commr's order

17

Submitted to Hon'ble
Dewan
Stamp affixed
Rs 1
GR 181-9H

Petitioner appeals against the order of the Deputy Commr & requests that the Rs (Rs 58) per-licence demanded from him may be refunded.

(1) He contends that the levy is illegal because (a) No notice was given to him although he has paid the taxes

(2) There was an interval of only four days between the publication of the proclamation and the date of sale

(3) He was not liable to pay the Kandayam for the whole land as he had applied that the cultivable portion might be fixed and that alone assessed

He prays that the sale may be cancelled and Rs 58-15-3 collected from him refunded to him.

21/12/14

Call for Rpt
16/12/14

Rept 16/2/15 — Dismissed 1/3/15

at the same time an application for a "Phodu" or apportionment of that portion of land uncultivable, which being more than half of the area of the land; and deposited an advance of Rs: 2 ½ for the purpose as desired by the Taluk authorities, and requested that a putta for the remaining portion of the land may be granted to your petitioner.

III That your honour's petitioner believing that his application will recieve due consideration by the authorities, arranged for the cultivation of that portion of land alone which was suitable for the purpose, and the amount realized by the produce of land was paid to Government towards the payment of the kandayam.

IV That your petitioner was residing at Pelamangal practicing, in the Munsiff Court, as a pleader, ha entrusted the management of the land to his brother Dasappa, who resided at Doddaballapoor, and as the Ryot who was entrusted to, (× write) the cultivation of the land wished the petitioner to sell the land to him for Rs: 100, and on the refusal of the offer by the petitioner the land was left waste and uncultivated.

V That while the petitioner was in the hope of getting the "Phodu" made of the land, and the grant

order against which his
appeal is preferred is
as follows.

~~Mrs~~.

" The reasons set forth
by him are not sound the
Amildar of Bangalore is
directed to recover the amount
by attachment of ~~ex~~ his
movable & immovable property
in case you ~~him~~ fail to
make the immediate payment
of arrears."

4/12/94

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. [illegible]

received at the Dewan's Office from [illegible]

is forwarded, together with its enclosures, to the [illegible]

By Order,

Bangalore, [illegible]-189[illegible]

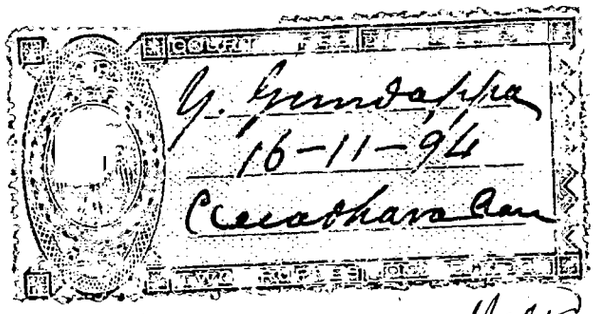
Chief Secretary.

M.G.C.P. Bangalore.—5-94.—1,000.

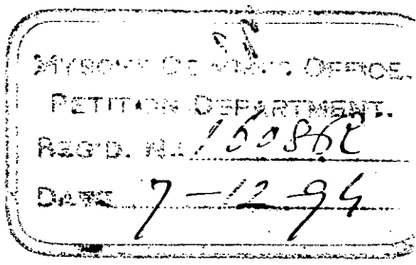
and that it did not seem there were proper and competent persons collected at the time of the sales to bid and therefore ordered a re-sale of the land. Thereupon a notice of sales was issued on 10.4.90 and the re-sale took place on 14.4.90. The land was sold for Rs: 27½ and purchased by the very same person who was the purchaser of the first sale. The interval between the date of sale notice and the date of sale is only three days excluding the said two dates and including them it will be five days:- From this it is clear that sale did not take place for the better and under section 183 of the Mysore Land Revenue Code the sale should have been made after the issue of a fresh notice in the manner provided for original sales. The sale should therefore have been made under section 173 of the Mysore Land Revenue Code which says that no sale of immovable property shall take place until ~~the~~ after the expiration of at least thirty days from the latest date on which the sale notice shall have been affixed as required by section 172 of the Mysore Land Revenue Code. The sale is therefore irregular and deserves to be cancelled.

21

(9)



Encl



no 1608 7/12-

VBS Camp affrs Encl

No 50

To

A.C. 83 Fasli

The Hon'ble Diwan of Mysore

Dewan's

Office Bangalore

Bangalore

Most respectfully Sheweth:—

That in the year Chitthirai 882-83 your Petitioner applied for the grant of a certain piece of land called Ceratharadanapalya survey No. 80 measuring about 15 acres 1 gunta situated in the village of Dodda-Kallasandra Bangalore District

That your petitioner has since presented

23

of the party for the remaining portion yet recovered by the Taluk authorities with a notice of demand for the payment of the arrears of kandayam for the entire extent of the area of the land and as the petitioner represented all the circumstances in full to the Amildar, no notice was taken and the demand was allowed to run against your honour petitioner without any settlement for about 5 or 6 years.

VI That your petitioner further begs to state that that portion of the land uncultivated for cultivation and the same was not taken into consideration by the authorities.

VII That notwithstanding your petitioners representation the authorities never granted his prayer, but allowed the kandayam to stand in arrears against the petitioner even for that portion resigned and sold the land for the amount of Rs. 27,2, thereby caused great hardship and loss to the petitioner as the land was worth more than Rs. 100 for which amount he was ever asked for by the Govt and the same Govt has taken the land at the time of the sale.

VIII That your petitioner most earnestly solicits to submit for your honours generous consideration, the irregularities observed by the authorities in the sale of the land to the detriment of the petitioners interest

and thus caused him to be put into the unnecessary
disturbance of the public as well as of the authorities
by the demand notice for the recovery of the enjoined
accrued arrears even after the sale of the land. It may
be noted, that, under Rule XIII clause 8 of the Tryance
Land Revenue Rules. The instance of Kandiyam, after
giving credit of the amount realized by the proceeds of
the sale of the land of the defaulter shall ordinarily be
remitted, without having recourse to further compul-
sory process against the defaulter, unless the Deputy
Commissioner is satisfied by good reason duly re-
corded by proper enquiry may proceed to recover bala-
nce due against the other property of the defaulter.
The petitioner begs with respect to submit that no
notice of his pressing prayer was taken by the
Deputy Commissioner in the case under reference.

IX The petitioner does not know any thing of the attachment
and sale of the land. But from the records it would
appear that the land was first attached on 10.2.87
and the notice of sale is dated 2/.1.90 and the
sale took place on 4.90. The land was sold for
Rs: 20½. The auctioneer thereupon remarked in the
sales book that land was sold for a low price

~~[illegible]~~

X That the petitioner had no knowledge of the sale of the land, as the notices were not served on him either in person or to his dwelling place as provided for in sec: 172 of the Land Revenue Code.

XI That by the injurious procedure observed by the Taluk authorities the petitioner was obliged to pay an extra Kandayam in arrears as follows:—

Full amount . . . Rs 86 .. 7 .. 3

Falling excess of the sale amount Rs: 27 .. 8 .. 0

Balance . Rs: 58 .. 15 .. 3

And this same amount, ~~was~~ your honors petitioner was obliged to pay to the Bangalore Taluk Treasury, under the compulsory order from the Deputy Commissioner.

XII That your petitioner requested the Amildar of Doddaiallapoor to keep the amount set forth in the preceding para under the head of "Deposit" pending the decision of Your Honour's County.

XIII That your petitioner represented all the circumstances in full to the Deputy Commissioner of the Bangalore District and most respectfully urged, that his unfortunate case may be considered favourably and the amount Rs 58 .. 15 .. 3 may be ordered to be repaid or to grant your petitioner remission of Rs 22½ as recommended by the Amildar of the Doddaballapoor Taluk and by the Assistant Commissioner Mr: K. Raghunatha Rao, and to restore that portion of the land fit for cultivation to your petitioner, and thus relieve him from all the embarrassment.

XIV That the Deputy Commissioner without an enquiry in the matter sent your petitioner an endorsement No: 90 Dated 28-11-90 in which he declined and refused to grant the prayer of the petitioner therein solicited.

XV That your petitioner most humbly solicits that your Honour will be pleased to decide, that under all the circumstances above set forth:—

(a) The sale of the land may be cancelled;

(b) The said land may be ordered to be restored to your Honour's petitioner, only that portion of it which can be cultivated;

(c) That the amount of Rs: 5-8-15-3 unjustly and compulsarily collected from your petitioner may be ordered to be remitted and repaid to the petitioner under the provision of the Rule laid down in the Mysore Land Revenue Rule referred to in para 8 Rule XXXVI and.

(d) And to pass such other order in the premises as to your Honour may under all the circumstances of the case seem fit, just and proper.

XVI That in connection your petitioner feels humbly assured that your honour will do him justice.

And your petitioner shall in duty bound ever pray

Sd/-

Sd: grade pleader
Cunniah Chetty Street
Bangalore City.

Dated Bangalore
Day of 1891.

Received
23 - 12 - 24
Tiruchirappalli

4. [illegible]

5 [illegible]

Head Clerk

Urgent 34 (2)

To

The Deputy Comm:

Bangalore District

(5)

D 23-8-95
23.

Pet
1676

His docket No 1085 dated 11th March 1895 submitting the proceedings connected with the appeal of Pleader Gundappa of Bangalore against the [illegible] of Ramanujulu Naidu

131-9-4

With Reference to the above has the honour to request that strenuous efforts may be made to find out the missing papers connected with the Petition of Gundappa applying for subdivision of the land, and his payment of Rs 2-8-0 as the cost of subdivision, and the result reported before the 20th of June, to which date the case is posted for hearing.

The records relating with the above are returned for useful reference and transmission before the 10th proximo.

By Order

23/5

Chief Clerk.

Draft
Councillor's order

From

L.R. 131-74-H

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

Gen. Serial No. 31.]

OFFICE OF THE
JUL. 95
REVENUE SECRETARIAT

94
1895-96
R 64
Pet 26

From The Dy Commissioner,
Bangalore District.

To The Secretary to the Govt.
~~Dewan~~ of Mysore.

Dated 6th July 1895.

Despatched — Do —

Received

Enclosures—No. 6-7

General No.
D No. 18

The Revenue Secretary's No. 24772 dated 26th Ultimo P.F. 107-94 requesting to obtain from the Survey Superintendent and forward the Tod Records connected with Survey No. 49 of Virabhadranapalya, Doddaballapur Taluk.

Has the honor to request that the enclosures of this Office No. 1534 dated 18th Ultimo may be returned for reference.

I have &c
for Dy Commissioner

38

Petition Br.

Please put up the file.

The file is put up.
11/7. To be transferred to the Petn Br
21/12/7 95

copy docket forwarding
vide
12/7

L.R. 131-94-7

Patell
2016/19
Correspondence 1894-95 Bundle

35

Gen. Serial No. 31.]

OFFICE OF THE
DIWAN OF MYSORE.
1765
24 JUN. 1895
1894-95

From: The Deputy Commissioner
Bangalore District.

To: (6)
Revenue
The Secretary to the Government
of Mysore.

Dated 18th June 1895.
Despatched 20th Do
Received

Enclosures—No. 1 file

General No.
D No. 1534

R. R. 131-94-5

The Chief Secretary's
No. Pol 1676 dated 23rd Ultimo,
requesting to find out the
papers connected with
the Dankhast of Gundappa
for the Subdivision of
Survey No 49 of Viraba-
-dranapalya, Doddaba-
-Ballapur Taluk

Adverting to the
above, I have the honor
to report that the papers
alluded to are not found.
The Fool record of this
Village is reported to have

Submitted

Papers in hearing of
before the Privy
Council
12/12/02

L R 131-94-9

10

6418.
Pet 380
1902 103

FROM The Dy Commissioner
Bangalore District

To The Secy to the Govt
of Mysore
Rev: & Rent Depts

Dated 6th
Despatched 8th } Dec 1902
Received

General No.

D No. 601

Enclosure No one file

Sec's docket No 24772
P7107-94 of
26th June 1895.

Submits report with certain
papers connected with S No 4
of Veerabhadranahalya in
Doddballapur Taluk.

Peti
9.12.02

974
Of 107 94.

Of 107 of 94 contains
resp's put-up

AR
10-12-02

D. No 601
Encl. 1 file

Bangalore District
Dy Commissioner's Office
Bangalore 6th December 1902

From,

H. H. Sparkes Esqr
Dy Commissioner
Bangalore District

To,

H. V. Narasimhayya Esqr
MAMR
Secy to the Govt of Mysore
Rev: Genl Depts

Sir,

With reference to your docket No 974 / P 7107-94 of the 29th ultimo, calling for an early reply to docket No 24772 / P 7107-94 (Serial No 7) Dated 26th June 1895, regarding the Submission of the Mode Rates of Sl No 49 of Veerabhadranahalu in the Doddaballapur Taluk, I have the honor to submit, herewith, a copy of the Statement Dated

been sent to the Super- 36
-intendent Revenue Sur-
-vey in December 1884
2. The 1st General
Assistant Commissioners
Yadi 12803 dated 15th
Instant, with its enclosures,
is submitted for reference
and kind return,

[signature]

for Dy Commissioner

Before the Govt of N. N the
Maharaja Pelligone

(12)

Appeal case No 83 of
1894-95

Appellant
Pleader Gundappa

Respondent
Chikka Byrappa

Subject

Appeal against the
order of the Dy Commissioner
Bangalore Dated (1) confirming
the sale of S. No 49 of
Veerabhadrappalya in the
Doddaballapur Taluk held
for arrears of revenue and
(2) levying Rs 42½ on account
of arrears of assessment
on Survey No 49

Facts of the case

On the application of the
appellant in 1880, dry land
Survey No 49 above referred
to (extent 12 acres 27 gunthas
assessment Rs 17+ local
cess Rs 1-1-0) was brought
on his Khata from 1882-83.
The land was subdivided
in 1885-86 into two portions,
cultivable and uncultivable,
the uncultivable portion
being entered as Govt

L.R. 13-2-10

Draft for the appl
The 1st & 2nd Grounds

16/6/03

20/6/03

26/6/1903

28/6/03

6.1903

Put up.
03.

Granted & sent for
Cultivated land

Govt waste and the appellant retaining the cultivable portion (7-8 : Rs 10). The Khata remained in the name of the appellant till 1889-90, and for an arrear of revenue of Rs 86-7-3 ~~as per margin*~~ due on the land, it was sold on 14-4-1890 and knocked down to Chikkayamma, the respondent, for Rs 27½. A sum of Rs 16-7-3 was subsequently paid by the appellant leaving still a balance of Rs 42½. The appellant alleged that he had submitted along with his darkhast an application for subdividing the land and for grant of only the cultivable portion thereof and contended that he had been wrongly charged with the assessment and local cess of the uncultivable portion also, for the three years from 1882-83 to 1885-86 - viz Rs 22-5-0. He further urged that the sale itself was irregular. The Deputy Commr rejected

*Demand for 3 years from 1882-83 to 85-86 at Rs 18-1-0 } Rs - 54-3

- do - 5 years from 1886-86- } 53-2

Rs 107-5

Amount collected 20-14

Balance 86-7

the complaint on 26-10-94 and directed the recovery of the balance by coercive measures, whereupon the appellant paid the amount under protest and filed this appeal to Govt.

Decision

The appellant (who was present at the hearing) does not press his claim for the cancellation of the sale of the land in dispute, nor do Govt see reason to set aside the sale.

The only other prayer is in regard to refund of the assessment levied on the uncultivable portion of the survey number which the appellant says was not in his occupation. Although the application for "phod" is missing, it is clear that it was made simultaneously with the darkhast and it seems fair to the appellant that he should

be held liable only for the assessment on the portion that was ultimately pleaded and given to him. Govt accordingly decide that the appellant should have a refund of the assessment for 3 years on the uncultivable portion which amounts to Rs 22-5-0 at Rs 7-7-0 per annum. This will be refunded to him.

P

No. 33/87(1)-94 dt. 9.7.03 on file

Copy of the above is forwarded to the Dy. Commr. Bangalore Distt. together with the Revenue records rec'd with his letter No 6018 dt 6-12-02

Deputy Secretary to Govt

P 37

To

The Deputy Commr
Bangalore District

No. 24772 / P.7.107-94 dt 26.6.95.

His docket No 1534 dated
18th June 1895.

L.R. 131-94-b

With reference to the above
has the honour to request
that the Jodi records
rejected to have been
sent to the Superintendent
of Revenue Survey may be
obtained and forwarded
to this office, as early as
practicable.

By order

Draft
Councillor's order

26/6
for Revenue Secretary.

25/6.

Gen. 30.]

1895

(7)

From

Revenue
The ~~Chief~~ Secretary to the
Government of Mysore.

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

To 9 39

The Dy. Comm.r.

Bangalore Dt.-

No. ~~648~~
P.7.107-94

Dated 16-7-95.

Rec: Hon. file.

(9)

L.R. 131-94-8

This ~~date~~ docket No. 218
dated 6th July 1895.

~~Has in favor of~~ ~~forwarded herewith~~
~~the enquiries~~ ~~the above~~
~~has been transmitted~~
~~herewith~~ the records received with his docket
~~in~~ ~~O.S. No 83 of 1894-95~~ No. 15348 18th June 1895
~~before Govt.~~ I request
that the same may be
retransmitted ~~to this office~~ herewith
with the papers called
for in this Office docket
No: 24772
P.7.107-94
dated 6th July
1895.

By order,
16/7/95
Revenue Secy.

Draft. 16/7
SKR 15/7

From

The Chief Secretary to the Government of Mysore.

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

42

Dated 23rd March 1885, showing the details of the Sub division made in the village in question, together with the Kasba Sheikdars report No. 1754 Dated 13th December 1884 and its 3 enclosures

2. The original records sent to the Survey Superintendent were received and sent to the then 1st. General Assistant Commissioner, in this Office No. 467 Dated 11th December 1896, but the enclosures thereof were not received by that office and every endeavour made to trace out the missing records proved fruitless, for want of which, the reference has been pending till now

3. The available records on the subject are enclosed

I have the honor to be
Sir
Your most obedient Servant

Dy Commissioner

47

L.R. 131-911-10

By Order

Asst.

For Secretary

By Order

For Secretary.